

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TRELLIS QUINN,

Plaintiff,

v.

JULIO CALDERIN, *et al.*,

Defendants.

Case No. 2:19-cv-00442-MMD-DJA

ORDER

Pro se Plaintiff Trellis Quinn, who is currently incarcerated at South Desert Correctional Center (“SDCC”), brings this civil rights action pursuant to 42 U.S.C. § 1983.¹ (ECF No. 6.) As further explained below, the Court dismisses this case without prejudice for failure to prosecute under Fed. R. Civ. P. 41(b).

On January 3, 2022, Defendants filed a motion for summary judgment (ECF No. 25 (“Motion”)), and Quinn failed to file a response to the Motion. Quinn also did not respond to Defendants’ partial motion to dismiss (ECF No. 19), which the Court granted in part on June 24, 2021 (ECF No. 21).² On May 4, 2022, the Court issued an order warning Quinn that it would dismiss this case for failure to prosecute under Fed. R. Civ. P. 41(b) if Quinn did not file a response to Defendants’ Motion and a motion seeking a retroactive extension of time, explaining why the Court should consider his late response, by May 18, 2022. (ECF No. 27.) To date, Quinn has failed to comply with the Court’s order, or take any further action in this case. The Court accordingly dismisses this case without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b); *Link v. Wabash R.*

¹After screening, the remaining Defendants in this case are Julio Calderin, James Dzurenda, Jesus Leavitt, Bruce Martin, Teddy Miro, Jennifer Nash, James Sutton, Arnold Toombs, Dean Whirley, and Brian Williams. (ECF Nos. 21 at 1-2, 25 at 1.)

²It appears that Quinn has not taken action in this case since he participated in an early mediation conference in November 2020. (ECF No. 14.)

1 Co., 370 U.S. 626, 629 (1962) (“The authority of a federal trial court to dismiss a plaintiff’s
2 action with prejudice because of his failure to prosecute cannot seriously be doubted”);
3 *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (affirming dismissal for lack
4 of prosecution and failure to comply with local rules).

5 It is therefore ordered that this case is dismissed, in its entirety, without prejudice.

6 It is further ordered that Defendants’ pending motion for summary judgment (ECF
7 No. 25) is denied as moot.

8 The Clerk of Court is directed to enter judgment accordingly and close this case.

9 DATED THIS 23rd Day of May 2022.

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13 MIRANDA M. DU
14 CHIEF UNITED STATES DISTRICT JUDGE
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